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February 18, 1999

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FEDERAL COMMUNICATIONS COMMISSION
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By Hand Delivery

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
445 Twelfth Street S.W. (The Portals)
Washington, D.C., 20554

Re: *In the Matter of The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010* (Third Notice of Proposed Rulemaking), WT Docket No. 96-86/FCC 98-191 (rel. September 29, 1998).

Dear Ms. Salas:

Enclosed for filing in the above-referenced proceeding is an original and (4) copies of the Reply Comments of the Federal Law Enforcement Wireless Users Group regarding the implementation of public safety communications as mandated by the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997) (codified at 47 U.S.C. § 337), and an accompanying Certificate of Service.

An additional copy of comments is enclosed to be stamped "received" and returned.

Thank you very much for your attention to this matter.

Sincerely,

James J. Flyzik

Deputy Assistant Secretary (Information Systems) and
Chief Information Officer, Department of the Treasury, and
Vice Chair, Government Information Technology Services (GITS) Board

Enclosure

No. of Copies rec'd 044
List A B C D E

Before the
Federal Communications Commission
Washington, D.C. 20554

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Public Safety Agency Communication)
Requirements Through the Year 2010)
)
Establishment of Rules and Requirements)
For Priority Access Service)

WT Docket No. 96-86

To: The Commission

REPLY COMMENTS IN RESPONSE TO COMMENTS FILED TO THE
THIRD NOTICE OF PROPOSED RULEMAKING

Filed by: The Federal Law Enforcement Wireless Users Group

Date: February 18, 1999

Before the
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Washington, D.C. 20554

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FEDERAL LAW ENFORCEMENT WIRELESS USERS GROUP'S
REPLY COMMENTS IN RESPONSE TO COMMENTS FILED TO THE
THIRD NOTICE OF PROPOSED RULEMAKING

1. The Federal Law Enforcement Wireless Users Group (FLEWUG)¹ respectfully submits the following comments in response to comments filed by other parties regarding the Commission's Third Notice of Proposed Rulemaking *In the Matter of The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010* (Third Notice).²

¹ The FLEWUG comprises law enforcement and public safety officials from the Department of the Treasury, Department of Justice, Department of the Interior, Department of Agriculture, Department of Defense, Department of Health and Human Services, United States Postal Service, United States Postal Inspection Service, National Telecommunications and Information Administration, Federal Emergency Management Agency, Internal Revenue Service, Federal Bureau of Investigation, United States Secret Service, United States Coast Guard, United States Capitol Police, Drug Enforcement Administration, United States Park Police, Immigration and Naturalization Service, United States Customs Service, Bureau of Alcohol, Tobacco, and Firearms, United States Mint, National Communications System, Defense Information Systems Agency, National Security Agency, Federal Law Enforcement Training Center, Bureau of Engraving and Printing, United States Marshals Service, National Institute of Standards and Technology, United States Forest Service, United States Fish and Wildlife Service, and Federal Bureau of Prisons.

² See *In the Matter of The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, WTB Docket No. 96-86, FCC 98-191 (rel. September 29, 1998).

Background

2. In 1993, the Office of the Vice President issued a National Performance Review (NPR) report recognizing the need to improve public safety communications. The NPR, and a subsequent Memorandum of Understanding between the Department of Justice and the Department of the Treasury, formally established the FLEWUG. The membership of the FLEWUG consists of more than 30 federal departments and agencies with law enforcement and other public safety responsibilities. Key among the FLEWUG's objectives is to plan and coordinate future, shared-use, wireless communications systems and resources. Toward this end, the FLEWUG supports: the development of shared-resource, shared-use wireless communications systems; the efficient use of spectrum; and interoperability, as needed, among federal, state, and local public safety agencies.

3. Given the FLEWUG's charter, we have a clear interest in the proceedings related to the Third Notice, particularly with respect to: the disposition of the 8.8 MHz of reserve spectrum in the newly-allocated public safety spectrum at 764-776 MHz and 794-806 MHz (hereinafter "the 700 MHz band"); the administrative decisions taken with respect to the 2.6 MHz of interoperability spectrum in the 700 MHz band designated in the First Report and Order; and the provision of interoperability spectrum for public safety below 512 MHz.³ The FLEWUG provides comments in response to comments filed by other parties on each of these matters as well as on the protection against interference with the Global Navigation Satellite System (GNSS) and on the Year 2000 problem as it pertains to public safety radio systems.

³ The FLEWUG, to date, has been actively engaged in this proceeding. The FLEWUG filed Comments and Reply Comments to the Second NPRM for Public Safety. The FLEWUG filed a Petition for Reconsideration and Clarification to the First Report and Order. The FLEWUG filed Comments to the Third NPRM for Public Safety. The FLEWUG has entered six ex parte filings to the record, including a filing delivered on July 17, 1998, by Associate Attorney General Raymond Fisher.

Use and Licensing of Reserve Spectrum

A. General Comments Regarding the Reserve Spectrum

4. The Commission requests comments on the use and licensing of the 8.8 MHz of spectrum in the 700 MHz band designated as "reserve" in the Commission's First Report and Order.⁴ Key among the FLEWUG's views regarding the reserve spectrum is providing for the appropriate levels of federal co-equal access to the reserve spectrum irrespective of the specific use and licensing determinations made by the Commission.⁵ The allowances for federal co-equal access should be the same as those made in the First Report and Order for the 12.6 MHz of spectrum designated for general use and the 2.6 MHz of spectrum designated for interoperability.⁶ Federal co-equal access to the reserve spectrum would support and facilitate the sharing of the reserve spectrum as envisioned by the State of California, the State of Florida,

⁴ See First Report and Order at paragraph 33.

⁵ See the FLEWUG Comments at paragraph 5.

⁶ These allowances are per the provisions adopted in the First Report and Order regarding the Federal Government use of non-Federal Government frequencies. As indicated in its Petition for Reconsideration and Clarification at paragraphs 6 through 9, the FLEWUG interprets these provisions as the terms under which co-equal access will be granted, generally. These provisions thus apply when general use spectrum in the 700 MHz band is used for shared or joint-use systems that include Federal Government entities. See 47 C.F.R. § 2.103(b); see First Report and Order at Appendix E, E-1. Section 2.103 of the Commission's rules now states:

- (b) Government stations may be authorized to use channels in the 764-776 MHz and 794-806 MHz public safety bands with non-Government entities if the Commission finds such use necessary where:
1. The stations are used for interoperability or part of a Government/non-Government shared or joint-use system;
 2. The government entity obtains the approval of the non-Government (State/local government) licensee(s) or applicant(s) involved;
 3. Government operation is in accordance with the Commission's Rules governing operation of this band and conforms with any conditions agreed upon by the Commission and the National Telecommunications and Information Administration; and
 4. Interoperability, shared or joint-use systems are the subject of a mutual agreement between the government and non-government entities. This section does not preclude other arrangements or agreements as permitted under Part 90 of the Rules. See 47 CFR §§ 90.179 and 90.421.

the Commonwealth of Pennsylvania, and the National Telecommunications and Information Administration (NTIA).⁷

B. Comments Regarding the Use of the Reserve Spectrum

5. The FLEWUG agrees with the Cities⁸ that the reserve spectrum should be designated for general use purposes⁹ and agrees in general with the commenters who urge expeditious designation and release of the reserve spectrum.¹⁰ The FLEWUG stated in its comments that the designation of the reserve spectrum for general use purposes would allow the Commission to address part of the unmet, near-term need identified by the Public Safety Wireless Advisory Committee (PSWAC).¹¹ The FLEWUG also stated in its comments that there is a need to move swiftly in making the determinations of how to use and manage the reserve spectrum to address standing, urgent needs as identified by the PSWAC.¹²

6. While the FLEWUG supports swift action, it also calls for thoughtful and considered action taken to meet the Commission's stated objective of serving the public interest through the consideration of "other uses . . . for certain portions of the 700 MHz band that may best serve

⁷ See the State of California Comments at pages 3 and 6; the State of Florida Comments at page 4; the Commonwealth of Pennsylvania Comments at page 3; and the NTIA Comments at page 3

⁸ "The Cities" refers to the National League of Cities and the City and County of San Francisco.

⁹ See the Cities Comments at page 4.

¹⁰ See the Motorola Comments at pages 9 and 10; the Cities Comments at page 4; the Comments of UTC, The Telecommunications Association (UTC) at page 2; the Comments of the National Public Safety Telecommunications Council (NPSTC) at page 5.

¹¹ See the FLEWUG Comments at paragraphs 8 and 9. Note also that even if the 8.8 MHz of reserve spectrum is designated for general use, there will still remain 3.6 MHz of unmet near-term requirements as specified by the PSWAC. (The PSWAC called for 25 MHz to meet near-term general voice and data requirements. The 8.8 MHz of reserve spectrum together with the 12.6 MHz of spectrum designated for general use in the First Report and Order would provide 21.4 MHz, which is 3.6 MHz short of the PSWAC requirement.) The FLEWUG reiterates its request, made in paragraph 9 of its Comments, that the Commission expeditiously identify and allocate the remaining 3.6 MHz necessary to meet the near-term PSWAC requirements.

¹² See the FLEWUG Comments at paragraph 21.

other significant public safety purposes."¹³ Therefore, the FLEWUG disagrees with those commenters (e.g., Motorola, the Cities, UTC, NPSTC) that urge the immediate release of the reserve spectrum.

7. The FLEWUG disagrees specifically with the Cities that holding spectrum in reserve contradicts the Balanced Budget Act (BBA) of 1997.¹⁴ The BBA of 1997 required the Commission to allocate all of the 24 MHz of spectrum for public safety purposes¹⁵, which it did prior to the January 1, 1998 deadline.¹⁶ The BBA of 1997 also required the Commission to commence assignment of 700 MHz licenses for public safety services by September 30, 1998.¹⁷ By virtue of releasing the First Report and Order on September 29, 1998, the Commission commenced the assignment process for the frequencies covered by the service rules adopted in the First Report and Order and thus met the stipulations of the BBA of 1997. The FLEWUG thus believes the Commission has met the requirements the BBA of 1997 and that the Commission's actions to hold in reserve some spectrum for future licensing do not contradict those requirements. Therefore, there is no compelling need based on the BBA of 1997 to immediately release the reserve spectrum.

8. The FLEWUG reiterates its view that the Commission should delegate the responsibility for determining the use and licensing provisions for the reserve spectrum to the National Coordination Committee (NCC)¹⁸ and that the NCC should move swiftly in making its

¹³ See First Report and Order at paragraph 33.

¹⁴ See the Cities Comments at pages 6 and 7.

¹⁵ See the BBA of 1997, Pub. L. No. 105-33, § 3004, 111 Stat. 251 (1997), codified at 47 U.S.C. § 337(a).

¹⁶ See Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-157, *Report and Order*, 12 FCC Rcd. 22,953 (1997) (*Reallocation Report and Order*).

¹⁷ See the BBA of 1997 at § 337(b).

¹⁸ See the FLEWUG Comments at paragraphs 10 and 20-24.

determinations of how to use and manage the reserve spectrum¹⁹. The FLEWUG states in its comments that "there is no more appropriate entity available to the Commission to determine these other significant public safety purposes than the NCC."²⁰ Information published recently by the Commission regarding the NCC substantiates this point.²¹

9. The Commission indicates that the NCC will be a national forum for intergovernmental collaboration on public safety communications matters, will have a broad membership with the necessary expertise to deliberate and resolve open matters, and will have the scope to address such matters as reserve spectrum use and licensing. These attributes validate the appropriateness of the NCC for making determinations regarding the reserve spectrum. In particular—

- Intergovernmental Communications – In a press release announcing the NCC's chairperson, the Commission indicated one of the responsibilities of the NCC will be to ". . . facilitate intergovernmental communications between local, state, and federal public safety agencies with expertise in the planning and design of telecommunications networks."²² Intergovernmental communications will be essential to ensure that the use and licensing of the reserve spectrum meets the need of public safety at all levels of government.
- Broad Membership – In its public notice regarding NCC establishment and membership, the Commission seeks a broad range of representation from the various sectors involved

¹⁹ See Id. at paragraph 21.

²⁰ See the FLEWUG Comments at paragraph 10.

²¹ See the Federal Communications Commission News Release, "Kathleen Wallman Named Chair of the Commission Public Safety National Coordination Committee," dated January 28, 1999 (the "NCC News Release"), and the Federal Communications Commission Public Notice, "Public Safety National Coordination Committee," dated January 29, 1999 (the "NCC Public Notice").

²² See the NCC News Release.

in public safety communications, including local, state, and federal public safety agencies and all elements of the manufacturing, technology, public policy, network reliability/design, and service provider communities.^{23, 24} Broad participation in the NCC will ensure knowledgeable, expert-based decisions are taken with respect to the reserve spectrum.

- NCC Scope – Also in the NCC public notice, the Commission indicated that the NCC is to " . . . provide recommendations on other technology, telecommunications, and public policy matters that relate to the expedited planning and deployment of a nationwide interoperable and reliable public safety and emergency responsiveness network." Policy decisions regarding the use and licensing of the reserve spectrum are thus within the scope of NCC responsibilities.

10. The FLEWUG agrees in principle with New York State Technology Enterprise Corporation (NYSTEC) and with the States of California and Florida that designating a portion of the reserve spectrum for statewide purposes is appropriate.²⁵ Thus, the FLEWUG believes that the NCC should consider the merits of designating a portion of the reserve spectrum specifically to support statewide system development. The FLEWUG agrees with the Commonwealth of Pennsylvania that such a designation of spectrum would provide the necessary economies of scale and facilitate efficient coordination among public safety agencies.²⁶

²³ See the NCC Public Notice.

²⁴ The FLEWUG will submit by February 26, 1999 the name of its representative who will serve as a member of the NCC, along with a statement of justification for this membership and FLEWUG comments regarding the NCC's authority, responsibilities, and the initial agenda. These comments will be consistent with those made by the FLEWUG in its Petition to the First Report and Order (see paragraphs 28-35) and in its Comments to the Third NPRM (see paragraph 23).

²⁵ See NYSTEC Comments at paragraph 41; State of Florida Comments at paragraph 10; State of California Comments at page 2.

²⁶ See Commonwealth of Pennsylvania Comments at page 5.

11. The FLEWUG further concurs with the Commonwealth of Pennsylvania and the State of Florida that the Commission should allow sharing of frequencies within statewide designations with local political subdivisions, federal, and other public safety service providers.²⁷ The FLEWUG also agrees with the State of Florida that states should develop a state plan for the use and management of statewide designations.²⁸

12. The FLEWUG agrees with the PSWN program that a portion of the reserve spectrum should be designated to support pilot projects.²⁹ Thus, the FLEWUG believes that the NCC should also consider the merits of designating a portion of the reserve spectrum specifically to support pilot projects.

13. The FLEWUG disagrees with Motorola that channeling specifications for the reserve spectrum be made identical to those established in the First Report and Order for the remaining portions of the 24 MHz.³⁰ The FLEWUG believes that adopting such channeling specifications at this time would be premature given that the specific uses of this spectrum have not been determined.

C. Comments Regarding the Existing RPC Process

14. The FLEWUG disagrees with those commenters that would permit a role for the RPC process in licensing and administering the reserve spectrum without addressing current RPC shortfalls. The FLEWUG reiterates its view that adjustments made to the RPC process under the First Report and Order were not sufficient to remedy these shortfalls.³¹ Prior to granting a role to

²⁷ See Commonwealth of Pennsylvania Comments at pages 9 and 10; State of Florida Comments at paragraph 11.

²⁸ See the State of Florida Comments at paragraph 8.

²⁹ See the PSWN Program Comments at paragraphs 10 and 11.

³⁰ See Motorola Comments at page 11.

³¹ See the FLEWUG Petition to the First Report and Order at paragraphs 11-27.

the RPC process in reserve spectrum management, the Commission must first provide for the following³²; formal refresh of committee membership, full public safety representation³³, federal membership and participation³⁴, provision of a dispute resolution mechanism³⁵, adjustment of regional boundaries so that none divide a state³⁶, and funding to support operations³⁷.

15. Provided these improvements are made, the FLEWUG agrees in principle with those commenters that see a role for the RPC process in the licensing and management of the reserve spectrum.³⁸ In this context, the FLEWUG believes the RPC process, once improved, should support an appropriately positioned lead entity with a national perspective (i.e., the NCC).³⁹

16. With respect to RPC operations, the FLEWUG agrees with the NPSTC that there should be a full exchange of planning and licensing information between adjacent RPCs.⁴⁰ The FLEWUG also agrees with the Cities that the RPCs should be able to be downsized or reconfigured once initial planning activities are completed to maximize the efficacy of RPC operations.⁴¹ The FLEWUG disagrees with Region 20's assertion that RPC administrative costs should be offset by public safety applicant fees paid to the RPCs.⁴² The FLEWUG believes the

³² See the FLEWUG Comments at paragraph 24.

³³ Accord with the PSWN Program Comments at paragraph 13.

³⁴ Accord with the NTIA Comments at page 16.

³⁵ Accord with the Cities Comments at page 11.

³⁶ Accord with the UTC Comments at page 5; the Commonwealth of Pennsylvania Comments at page 7; and the Commonwealth of Virginia, Department of State Police Comments at page 1.

³⁷ Accord with the Cities Comments at page 11; the PSWN Program at paragraph 13; and the Region 20 Comments at paragraphs 4-6.

³⁸ These commenters include the County of Los Angeles, the State of Arizona, the State of California, the State of Florida, the Commonwealth of Pennsylvania, Region 20, the Association of Public-Safety Officials International (APCO), the International Association of Chiefs of Police (IACP), the Cities, and UTC.

³⁹ See the FLEWUG Comments at paragraphs 12, 13, 20, and 21.

⁴⁰ See NPSTC Comments at paragraph 6.

⁴¹ See the Cities Comments at page 13.

⁴² See the Region 20 Comments at paragraph 6.

cost of RPC operations should not be borne by the public safety community but directly by the Commission.⁴³

D. Comments Regarding State Licensing

17. As stated in its comments, FLEWUG does not support a role for state governments in spectrum management and does not support the licensing of spectrum, in block or in parts, to a single state government entity on behalf of all public safety entities within the state.⁴⁴ The FLEWUG thus agrees with the following commenters on these points: APCO, the Cities, UTC, the County of Los Angeles, the State of California, and the PSWN program.⁴⁵

E. Other Comments Regarding the Reserve Spectrum

18. With respect to applications to be supported using the reserve spectrum, the FLEWUG disagrees with the IACP that a "large portion of the 8.8 MHz [of reserve spectrum] under consideration is for high-speed data use."⁴⁶ No such designation has been made. Further, the FLEWUG believes that applications such as real-time video, full-motion video, and high-speed data transfers, which require larger channel aggregates than currently provided for, are inappropriate for the 700 MHz band.⁴⁷ Additional allocations of public safety spectrum, such as above 3 GHz, are required to support such advanced data applications.

⁴³ See the FLEWUG Comments at paragraph 24.

⁴⁴ See the FLEWUG Comments at paragraphs 15-19.

⁴⁵ See the APCO Comments at page 3; the Cities Comments at pages 10 and 11; the UTC Comments at page 4; the Comments of the County of Los Angeles at page 2; the Comments of the State of California at page 3; and the PSWN Program Comments at paragraphs 15 and 16.

⁴⁶ See the IACP Comments at paragraph 5.

⁴⁷ See the FLEWUG Comments at paragraph 25.

19. Also, the FLEWUG believes that Region 20 has a good suggestion for realizing additional efficiencies using existing public safety spectrum. Specifically, the FLEWUG agrees with Region 20 that the Commission adopt rules that permit current and future 806-821 MHz licenses to split their existing 25 kHz authorizations into 12.5 kHz channels to "double the capacity of existing 806 MHz public safety licensees."⁴⁸ Such a step would be consistent with the Commission's refarming efforts for public safety spectrum below 512 MHz, with the Commission's channel-width designations for the 700 MHz band, and with the NTIA mandate to narrowband federal channels to 12.5 kHz.

20. The FLEWUG agrees with the IACP and the State of Arizona and with their strong support for the TIA/EIA-102 (Project 25) Common Air Interface and Vocoder standards.⁴⁹ The FLEWUG reiterates its strong support for the suite of TIA/EIA-102 (Project 25) standards as the digital interoperability standard for public safety land mobile radio equipment operating in all public safety bands.⁵⁰ While the FLEWUG does not support high-speed data applications in the 700 MHz, it does support the development of standards, such as those being proposed through Project 34, for high-speed data systems. Thus, the FLEWUG agrees in principle with the IACP regarding the importance of high-speed data standards.⁵¹

⁴⁸ See the Region 20 Comments at paragraph 8.

⁴⁹ See the IACP Comments on page 4 and the State of Arizona Reply Comments at pages 4 and 5.

⁵⁰ See the FLEWUG Petition to the First Report and Order at paragraph 33.

⁵¹ See the IACP Comments at page 3.

Administration of Interoperability Spectrum (2.6 MHz Designated in First Report and Order)

21. The FLEWUG agrees with the Commission⁵² that administration of the interoperability spectrum is a responsibility of the NCC and disagrees with those commenters⁵³ that support alternate approaches (e.g., administration by the RPCs, state management and licensing).

22. The FLEWUG agrees with NPSTC that the NCC should develop uniform guidelines for interoperability and mutual aid plans.⁵⁴ Such plans will promote consistency and expedite the implementation of interoperability.

23. The FLEWUG agrees in principle with the State of Arizona concerning 12.5 kHz channel pairing for the interoperability channels.⁵⁵ The FLEWUG believes that a standard pairing plan should be established. While channel pairing should be maximized, the FLEWUG believes designating some of the interoperability channels for simplex operations is necessary.

Interoperability Below 512 MHz

24. The FLEWUG, along with other commenters, supports the Commission's efforts to identify spectrum below 512 MHz for public safety interoperability purposes. The FLEWUG has long emphasized the need for such spectrum in each of the bands occupied by public safety.

⁵² See the NCC Public Notice, in which the Commission states the NCC will "formulate and submit for Commission review and approval a set of recommendations for the use of interoperability spectrum, including recommendations for Federal Government users' access that will allow public safety licensees to make use of such spectrum until final rules are developed." In the same notice, the Commission also states that NCC should "formulate and submit for Commission review and approval an operational plan to achieve national interoperability that includes a shared, priority system among users of the interoperability spectrum (i.e., spectrum in the 700 MHz band specifically designated for interoperability use as well as spectrum in other frequency bands so designated) for both day-to-day and emergency operations and in this connection, recommendations regarding Federal Government users' access to the interoperability spectrum."

⁵³ These commenters include the State of California, the State of Florida, and the Commonwealth of Pennsylvania.

⁵⁴ See the NPTSC Comments at paragraph 9.

⁵⁵ See the State of Arizona Reply Comments at page 2.

The FLEWUG disagrees with the Cities' comment that a nationwide interoperability band below 512 MHz is not necessary.⁵⁶ The FLEWUG believes a more comprehensive solution than the identified interoperability channels is needed in order to meet the PSWAC recommendation for at least 2.5 MHz of such spectrum below 512 MHz.⁵⁷ As such, the FLEWUG believes that the PSWN program's recommendation for designating an interoperability band below 512 MHz comparable to the 2.6 MHz designated in the 700 MHz band represents a viable solution.⁵⁸

25. The FLEWUG notes that interoperable communications among local, state, and federal agencies is essential for the protection of life and property. Therefore, the FLEWUG supports NTIA's comments emphasizing the need for federal co-equal access to any interoperability channels that are designated below 512 MHz.⁵⁹ The FLEWUG also notes that some emergencies require interoperability with NGOs whose primary mission is not public safety (e.g., utilities and railroads). Thus, the FLEWUG supports API's comments that the Commission include rule amendment provisions to facilitate participation by NGOs in an emergency response.⁶⁰ The FLEWUG believes that the Commission should transition eligibility provisions for each public safety band to those specified for the 764-776/794-806 MHz band.⁶¹ Such provisions are in the public interest and would promote greater coordination between and among public safety services.

⁵⁶ See the Cities Comments at page 17.

⁵⁷ See the PSWAC Final Report at page 21.

⁵⁸ See the PSWN Program Comments at page 17.

⁵⁹ See the NTIA Comments at page 13.

⁶⁰ See the API Comments at page 8.

⁶¹ As stated in the FLEWUG Comments, the eligibility provisions for the 700 MHz band allow any state or local government entity and, under certain conditions, nongovernmental public safety service providers to hold Commission authorizations for systems operating in the 764-776 MHz and 794-806 MHz bands. The Federal Government use provisions for the 700 MHz band allow co-equal access to frequencies in the 764-776 MHz and 794-806 MHz bands to federal entities under certain conditions. See the FLEWUG Comments at page 8, footnote 17. See also footnote 6 of these reply comments.

26. In order to enhance the utility of the interoperability spectrum, the FLEWUG has been a proponent of the TIA/EIA-102 (Project 25) standards for digital interoperability in the 700 MHz band.⁶² For interoperability spectrum identified below 512 MHz, the FLEWUG adamantly supports IACP's endorsement of the TIA/EIA-102 (Project 25) Common Air Interface/Vocoder as the digital interoperability standard.⁶³ The FLEWUG supports the adoption of TIA/EIA-102 standards for digital interoperability in all bands designated for public safety communications.

27. The FLEWUG fully supports the Commission's proposal to designate ten nationwide interoperability channels in the 150-162 MHz⁶⁴ and 450-512 MHz bands.⁶⁵ The FLEWUG shares the concerns expressed by Motorola and the State of California that a number of obstacles exist to the Commission's proposals for offering true nationwide interoperability channels, such as incumbent users and adjacent channel conditions.⁶⁶ The FLEWUG also shares the State of Arizona's concern that there are no 6.25 kHz public safety radios on the market and therefore, it is necessary for the Commission to identify 12.5 kHz interoperability channels in both the VHF and UHF spectrum bands.⁶⁷ The FLEWUG, along with Motorola, stands ready to assist the Commission in the identification of appropriate bands for public safety interoperability. Additionally, FLEWUG affirms the concerns expressed by the PSWN program that the

⁶² See the FLEWUG Petition to the First Report and Order at page 22, footnote 63.

⁶³ See the IACP Comments at page 4.

⁶⁴ However, the FLEWUG respectfully reminds the Commission that the 162-174 MHz band is allocated to the Federal Government.

⁶⁵ See the NYSTEC Comments at page 13, the State of Florida Comments at page 6, the PSWN Program Comments at page 16.

⁶⁶ See the Motorola Comments at page 7 and the State of California Comments at page 8.

⁶⁷ See the State of Arizona Reply Comments at page 7. It should be noted that the ten interoperability channels identified by the Commission are 6.25 kHz wide.

Commission's designation should constitute the initial allocation to achieving the PSWAC recommendation of 2.5 MHz of interoperability spectrum below 512 MHz.⁶⁸

28. The FLEWUG supports the NTIA's comments asserting that the Commission lacks the authority to designate the interoperability spectrum in the 138-144 MHz band.⁶⁹ As stated in the FLEWUG's comments, the 138-144 MHz band is Federal Government spectrum, used by the Department of Defense and the Federal Emergency Management Agency, and as such, NTIA is the appropriate governmental agency responsible for matters pertaining to this spectrum.⁷⁰

Global Navigation Satellite System

29. The FLEWUG shares the concerns expressed by commenters that under certain conditions public safety transmissions (fixed or mobile) in the 794-806 MHz have the potential to interfere with satellite-based navigation systems.⁷¹ Specifically, the FLEWUG agrees with the GPS Council comments that second harmonic emissions from public safety systems will cause interference to global positioning systems.⁷²

30. The FLEWUG also supports the concerns by industry, specifically Motorola, that the proposed emission standards may delay manufacturing of compliant 700 MHz public safety radios and potential long term negative implications on the public safety community.⁷³ Given the band plan adopted by the Commission, however, the FLEWUG believes that the NTIA's

⁶⁸ See the PSWN Program Comments at pages 16-17 and the NYSTEC Comments at pages 12-13.

⁶⁹ See the NTIA Comments at pages 13-14.

⁷⁰ See the FLEWUG Comments at pages 19-20.

⁷¹ See the NPTSC Comments at page 12.

⁷² See the GPS Council Comments at pages 2-4.

⁷³ See the Motorola Comments at pages 3-4.

proposed emission standards, -70 dBW/MHz for wideband emissions and -80 dBW/700 Hz for narrowband emissions, are the most realistic.⁷⁴

31. The FLEWUG disagrees with Motorola's comments that the emission restrictions are based upon events that are unlikely to occur.⁷⁵ The FLEWUG and the NTIA strongly believe that these emission restrictions are necessary to avoid the potential for false alerts that could cause a pilot to perform unnecessary actions that may result in the loss of life and property.⁷⁶ The FLEWUG, along with NYSTEC and the GPS Council, would like to remind the Commission that implications on foreign systems should also be considered when adopting policies affected public safety communications.⁷⁷

32. The FLEWUG disagrees with the State of Arizona's opposition to the concept of reversing the base transmit and mobile transmit frequency groups as adopted in the First Report and Order.⁷⁸ The FLEWUG opposes the Commission's band plan because it allows for mobile transmissions in the 794-806 MHz band that would exacerbate possible interference with the GNSS band (1559-1605 MHz). The FLEWUG supports NTIA's proposal to limit the 794-806 MHz band to base station-to-mobile transmissions because this will reduce significantly the possibility of transmitters operating from multiple and unknown locations and thus confine interference issues to fixed stations only.⁷⁹ The NTIA also asserts that under this revised band plan, one is able to site-engineer base stations so that they are not located in close proximity to critical approach landing areas, thus minimizing potential interference issues.

⁷⁴ See the Third Notice at paragraph 197 and at Appendix G, G-1.

⁷⁵ See the Motorola Comments at page 6, footnote 13.

⁷⁶ See the NTIA Comments at page 9.

⁷⁷ See the NYSTEC Comments at page 15 and the GPS Council Comments at page 4.

⁷⁸ See the State of Arizona Reply Comments at page 5.

⁷⁹ See the NTIA Comments at page 12.

Year 2000 Problem

33. The FLEWUG, along with other commenters⁸⁰, shares the Commission's concerns regarding Year 2000 (Y2K) readiness for public safety radio systems. The FLEWUG, through its Y2K Working Group, is continuing with its efforts to raise awareness and provide solutions to assist law enforcement and public safety radio systems operated by federal entities regarding Y2K readiness. To the extent possible, the FLEWUG is willing to share with the Commission, the vendor community, and the public safety community information concerning the general state of preparedness among radio systems operated by FLEWUG members.

34. The FLEWUG recognizes that the collection and dissemination of relevant Y2K information is critical to ensuring readiness of the public safety community. The FLEWUG agrees in part with APCO's comments that frequency coordinators are an option for collecting information, but urges the Commission to ensure that coordinators do not charge additional fees to their public safety customers or raise fees for coordination services.⁸¹

35. The FLEWUG disagrees with APCO's comments that RPCs are not the appropriate vehicle to gather information, because existing 800 MHz RPCs have the ability to operate as forums for the exchange of information regarding Y2K issues.⁸²

36. The option of having the Commission administer a survey as supported by the PSWN program and the FLEWUG offers a viable alternative to assessing the readiness of the public

⁸⁰ See the APCO Comments at page 10, the NPSTC Comments at page 10, and the PSWN Program Comments at page 19.

⁸¹ See the APCO Comments at pages 11-12.

⁸² See the APCO Comments at page 11.

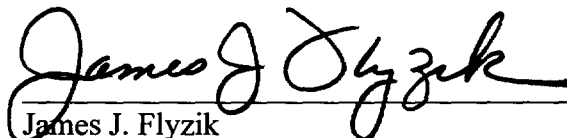
safety community.⁸³ Furthermore, the FLEWUG supports NPSTC's proposal to increase awareness through the use of direct notices issued by the Commission to every licensee.⁸⁴

37. The FLEWUG agrees with the State of California's proposal to require equipment manufacturers to publish listing of Y2K compliance for all equipment known to still be in service or offered for sale.⁸⁵ Lastly, the FLEWUG, along with the PSWN program, wishes to reemphasize the need for sufficient safeguards to protect against the release of sensitive systems-specific information.⁸⁶

Conclusion

36. The FLEWUG commends the efforts of all commenters to this NPRM and respectfully requests the Commission to consider carefully the FLEWUG's positions herein submitted on many of the comments made by others. The FLEWUG also respectfully requests that the Commission adopt the measures proposed in its original comments to the NPRM.

Respectfully submitted,



James J. Flyzik
Deputy Assistant Secretary (Information Systems) and
Chief Information Officer,
Department of the Treasury, and
Vice Chair, Government Information Technology
Services Board

⁸³ See the PSWN Program Comments at page 19.

⁸⁴ See the NPSTC Comments at page 11.

⁸⁵ See the State of California Comments at page 9.

⁸⁶ See PSWN Program Comments at page 20.


Before the
Federal Communications Commission
Washington, D.C. 20554

Certificate of Service

In the Matter of)
)
The Development of Operational, Technical,)
and Spectrum Requirements for Meeting Federal,) WT Docket No. 96-86
State, and Local Public Safety Agency Communication)
Requirements Through the Year 2010.)

I, David A. Williams, Associate, 8283 Greensboro Drive, McLean, Virginia, 22102-3838, hereby certify that on February 18, 1999, I caused to be served, by first-class mail, postage prepaid (or by hand where noted) copies of the Federal Law Enforcement Wireless Users Group's Reply Comments *In the Matter of The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010* (Third Notice of Proposed Rulemaking), WT Docket No. 96-86, FCC 98-191 (rel. September 28, 1998), the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 18th day of February, 1999.


David A. Williams

**In the Matter of
The Development of Operational, Technical
and Spectrum Requirements for Meeting Federal,
State and Local Public Safety Agency Communication
Requirements Through the Year 2010,
WT Docket No. 96-86
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